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**IN THE UNITED STATES DISTRICT COURT  
IN THE DISTRICT OF NEVADA**

THE BANK OF NEW YORK MELLON FKA  
THE BANK OF NEW YORK, AS TRUSTEE  
FOR THE CERTIFICATEHOLDERS OF THE  
CWABS INC ASSET-BACKED  
CERTIFICATES, SERIES 2005-16

Plaintiff,

v.

YORKSHIRE MANOR ASSOCIATION; a  
Nevada Domestic Non Profit Corporation  
ALYSSE V. CAMPAIGNE, an individual,  
JEFFREY B. CAMPAIGNE, an individual, DOE  
INDIVIDUALS 1-X and ROE  
CORPORATIONS X-XX;

Defendants.

Case No. 2:17-cv-01145-RFB-VCF

**STIPULATED JUDGMENT QUIETING  
TITLE IN THE NAME OF THE BANK  
OF NEW YORK AND DISMISSING  
THE COMPLAINT WITH PREJUDICE**

Plaintiff THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS  
TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS INC ASSET-BACKED  
CERTIFICATES, SERIES 2005-16 ("BONY"), by and through its attorney of record Thomas N.  
Beckom, Esq. and Kristin A. Shuler-Hintz, Esq. of the law firm of McCarthy & Holthus, LLP and  
YORKSHIRE MANOR ASSOCIATION ("YORKSHIRE), by and through its attorney of record  
Karen M. Ayarbe, Esq. of the law firm of Kern & Associates Ltd hereby agree, stipulate, and  
authorize entry of quiet title judgment and dismissal with prejudice as follows:

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2 1. Plaintiff THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS  
3 TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS INC ASSET-  
4 BACKED CERTIFICATES, SERIES 2005-16 is a Delaware corporation with its primary  
5 place of business in New York City, New York.
- 6 2. On October 26, 2005; Co-Defendants Jeffrey and Alysee Campaigne granted a security  
7 interest in the form of a Deed of trust in Real Property Commonly known as 1691 London  
8 Circle, Sparks, Nevada 89431 (APN: 027-480-22)(hereinafter the "Property"). Ultimately  
9 this Deed of Trust was assigned to BONY
- 10 3. Due to nonpayment of Homeowners Association dues, Yorkshire conducted its assessment  
11 lien foreclosure sale on the Property in accord with the governing documents and NRS  
12 116.3116 *et seq* and acquired the Property by credit bid on July 10, 2012, which was  
13 memorialized by a Deed in Foreclosure of Assessment Lien recorded as Instrument No.  
14 4130493, Washoe County Recorder's Office, State of Nevada.
- 15 4. On April 25, 2017; BONY filed its Complaint seeking declaratory relief and to quiet title  
16 against Yorkshire based on the statutory noticing scheme in NRS 116.3116 *et seq* being  
17 facially unconstitutional pursuant to the 9<sup>th</sup> Circuit's holding in *Bourne Valley Court Tr. V.*  
18 *Wells Fargo Bank N.A.* 832 F.3d 1154 (9<sup>th</sup> Cir. 2016) as well as the sale being for an  
19 insufficient purchase price. Yorkshire generally denies the allegations of the Complaint and  
20 asserts various affirmative defenses thereto.
- 21 5. BONY and Yorkshire have since resolved the dispute between them to avoid the uncertainty  
22 and expenses of litigation, without admission of liability or fault.
- 23 6. THEREFORE, IT IS STIPULATED AND AGREED BETWEEN Yorkshire and BONY  
24 that Judgment be entered in favor of BONY on its Quiet Title and Declaratory Relief claims  
25 and furthermore that title in this Property should be vested in the name of THE BANK OF

1 NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE  
2 CERTIFICATEHOLDERS OF THE CWABS INC ASSET-BACKED CERTIFICATES,  
3 SERIES 2005-16 free and clear of any ownership interest held by Yorkshire Manor  
4 Association asserted prior to the date of the entry of this order. This Stipulation and entry of  
5 quiet title Judgment in favor of BONY has no affect on Yorkshire's ongoing lien rights and  
6 remedies on the Property, or any other property within Yorkshire, under its governing  
7 documents, NRS Chapter 116, and applicable Nevada law.  
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9 7. Specifically, this Stipulated Judgment and Order shall constitute the full resolution and  
10 termination of the instant action between Yorkshire and BONY and each party's remaining  
11 claims, counterclaims, cross-claims, and causes of actions arising from the sale of the  
12 Property are hereby dismissed with prejudice.

13 8. Any *lis pendens* regarding this action having been recorded against the Property shall be  
14 removed forthright and are otherwise expunged.  
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9. The Parties stipulate that each party shall bear their own attorney's fees and costs.

DATED this 17<sup>TH</sup> DECEMBER day of ~~September~~, 2018. DATED this 17<sup>TH</sup> DECEMBER day of ~~September~~, 2018.

**KERN & ASSOCIATES, LTD.**

**MCCARTHY & HOLTHUS, LLP**

/s/ Karen M. Ayarbe, Esq.

/s/ Kristin A. Schuler-Hintz, Esq.

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*Attorneys for Defendant*

*Attorneys for Plaintiff*

*Yorkshire Manor Association*

*The Bank of New York Mellon*

**ORDER**

Based on the foregoing, this Honorable Court hereby **ORDERS** that title to 1691 London Circle, Sparks, Nevada 89431 (APN: 027-480-22) is hereby Quieted in the name of THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS INC ASSET-BACKED CERTIFICATES, SERIES 2005-16. THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS INC ASSET-BACKED CERTIFICATES, SERIES 2005-16 is hereby decreed to have title to 1691 London Circle, Sparks, Nevada 89431 free and clear of any ownership interest of Yorkshire Manor Association. Yorkshire Manor Association's ongoing lien rights and remedies on the Property, or any other Property, under its governing documents, NRS Chapter 116 and applicable Nevada law are not affected by entry of this quiet title Judgment.

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2 IT IS FURTHER ORDERED that any remaining claims herein are dismissed with prejudice,  
3 with each party to bear its own fees and costs.

4 ***IT IS SO ORDERED.***

5 DATED this 18th day of December, 2018.

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8 RICHARD F. BOULWARE, II  
United States District Judge

9 ***Respectfully Submitted By:***

10 McCarthy & Holthus, LLP

11 /s/Kristin A. Schuler-Hintz  
12 KRISTIN A. SCHULER-HINTZ, ESQ.  
13 *Attorneys for Defendant Bank of New York*  
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